

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WOLFGANG RUST and BOBBY)	4:08cv3185
CONN,)	
)	
Plaintiffs,)	ANSWER TO AMENDED COMPLAINT
)	
vs.)	
)	
NEBRASKA DEPARTMENT OF)	
CORRECTIONAL SERVICES)	
RELIGION STUDY COMMITTEE, and)	
ROBERT P. HOUSTON, FRANCIS X.)	
HOPKINS, LARRY WAYNE, KATHY)	
BLUM, JOE BALDASSANO, STEVE)	
MARSH, and TARN E. DAVIS, in their)	
official and individual capacities,)	
)	
Defendants.)	

COME NOW the Defendants Nebraska Department of Correctional Services
Religion Study Committee, and Robert P. Houston, Francis X. Hopkins, Larry Wayne,
Kathy Blum, Joe Baldassano, Steve Marsh, and Tarn E. Davis, in their official and
individual capacities, through counsel, and in Answer to the Plaintiffs' Amended
Complaint, state, aver, allege and deny as follows:

1. Deny each and every allegation contained in the Amended Complaint
except those specifically admitted herein and those which constitute admissions against
the Plaintiffs' interest.
2. Admit paragraphs 1 – 12, 17, 19 – 21, 61, 65 and 71 and 77.
3. Do not have sufficient information to admit or deny the allegations
contained in paragraphs 31- 32, 34, 38, 40 - 42, 44 - 54, 56, 58 - 59, 63 and 79.

DEFENSES

1. Allege that the Plaintiffs fail to state a claim upon which relief can be granted.
2. Allege that the Defendants at all times acted in good faith and are immune from suit and an award of damages against them in their individual capacities.
3. Allege that any request for damages against the Defendants in their individual capacities is barred by qualified immunity.
4. Allege that the Plaintiffs have not exhausted their available administrative remedies prior to filing as required by 42 U.S.C. § 1997e(a).
5. Allege that any requests for damages against the Defendants, in their official capacities, are barred by the States' sovereign immunity and by the Eleventh Amendment to the United States Constitution.

NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES RELIGION
STUDY COMMITTEE, and ROBERT P.
HOUSTON, FRANCIS X. HOPKINS, LARRY
WAYNE, KATHY BLUM, JOE BALDASSANO,
STEVE MARSH, and TARN E. DAVIS, in their
official and individual capacities, Defendants.

BY: JON BRUNING, #20351
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BY: s/Ryan C. Gilbride
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2009, I electronically filed the foregoing Answer to Amended Complaint using the CM/ECF system, and that a true and accurate copy was caused to be mailed, first class United States mail, postage prepaid, to the Plaintiffs herein, addressed to Wolfgang Rust #30118 and Bobby Conn #57625, Nebraska State Penitentiary, P.O. Box 2500, Lincoln, NE 68542-2500.

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